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List of issues in relation to the combined third to fifth periodic reports of Nepal

Addendum

Replies of Nepal to the list of issues*

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* The present document is being issued without formal editing.

Acronyms

ASRH	Adolescent Sexual and Reproductive Health
BCC	Behaviour Change Communication
BMI	Body Mass Index
CB-IMCI	Community Based Integrated Management of Childhood Illness
CB-NBC	Community Based New Born Care
CBS	Central Bureau of Statistics
CCWB	Central Child Welfare Board
CFLG	Child Friendly Local Governance
CPI	Child Protection Inspector
CPO	Child Protection Officer
CRC	Convention on the Rights of the Child
CRO	Child Rights Officer
CWO	Child Welfare Officer
DCC	District Coordination Committee
DCWB	District Child Welfare Board
DDC	District Development Committee
DP	Development Partners
DWC	Department of Women and Children
EFA	Education for All
FY	Fiscal Year
GoN	Government of Nepal
ICAB	Inter-country Adoption Management Development Board
JJCC	Juvenile Justice Coordination Committee
MCPC	Municipal Child Protection and Promotion Sub-Committee
MDGs	Millennium Development Goals
MoE	Ministry of Education
MoFALD	Ministry of Federal Affairs and Local Development
MoLE	Ministry of Labour and Employment
MoWCSW	Ministry of Women, Children and Social Welfare
MSNP	Multi-Sector Nutrition Programme
NAHD	National Adolescent Health and Development
NGO	Non-Governmental Organization
NHRC	National Human Rights Commission

NHSP	National Health Sector Programme
NPA	National Plan of Action
NPC	National Planning Commission
OPMCM	Office of the Prime Minister and Council of Ministers
PAF	Poverty Alleviation Fund
SAIEVAC	South Asia Initiatives to End Violence Against Children
SCPC	School Child Protection Committee
SSRP	School Sector Reform Programme
SZOP	School as Zone of Peace
UN	United Nations
UNCAT	United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
VCPC	Village Child Protection and Promotion Sub-Committee
VDC	Village Development Committee
WCO	Women and Children Office

Part I

1. **Please provide updated information on the revision process of the 1992 Children's Code and in particular the status of the 2012 draft Act concerning Children. Please indicate whether this draft 1) clarifies and harmonizes the definition of the child, 2) provides a coherent child protection system and 3) reforms the statutes of limitations for offences against children. Please also indicate the steps taken to bring local, religious and customary laws in compliance with the Convention.**

1. The Government of Nepal (GoN) tabled a new Bill for repealing the prevailing Children's Act, 1992 in 2010. The Ministry of Women, Children and Social Welfare (MoWCSW) had carried out extensive consultations with key stakeholders on the provisions of the draft Bill prior to submitting it to Legislature-Parliament. The Bill could not be passed due to the expiry of the term of the Legislature-Parliament. After completing necessary process, the draft Bill on children (hereinafter referred as the draft Bill) will be re-submitted to the Legislature Parliament.

2. The draft Bill contains provisions harmonizing the definition of the child particularly in terms of age (i.e. 18 years) in line with the UN Convention on the Rights of the Child, 1989 (CRC). The draft Bill ensures fundamental rights of children and provides provisions for special protection and restorative justice in an institutional manner according to the recognized principle of juvenile justice. Child protection system is embedded within the structure at the local level particularly making it community based. Moreover, the GoN has tabled Bills in 2014 on Penal Code, and on Determination of Sentence and Implementation to the Legislature-Parliament. Section 16(2) of the Bill on Penal Code has provision to prohibit the imprisonment of the child except for grave, heinous and repeated offences.

3. By revising the existing provision on statute of limitation in the offence against children, the draft Bill provisions that a child victim can file a lawsuit against the perpetrator within a year after the victim attains eighteen years of age. Furthermore, the Supreme Court has recently directed the GoN to amend the existing legislations to repeal 35 days of the statute of limitation in rape cases against children.[1] Likewise, the Bill on Penal Code enlarges the statute of limitation in the offence of rape against girl child and child sexual abuse. The legal system of Nepal does not recognize local, religious and customary practice and norms in the offences committed against children and women. The existing General Code which serves as Penal Code also, equally applies to all religious communities throughout the territory.

2. **Please indicate how the State party intends to increase spending on children. And what mechanisms are in place to control that budgetary allocations at local level are effectively spent for children in accordance with the «Local Body Resource Allocation, Management and Operation Guidelines».**

4. The GoN has adopted a policy to increase spending on children. The Local Bodies Resource Mobilization and Management Operation Guidelines, 2013 made a mandatory provision of a minimum 10 percent allocation of capital budget of Local bodies[2] for children. Moreover, the GoN has adopted Child Friendly Local Governance (CFLG) National Framework, 2009 and its Implementation Guidelines, 2010. The Local Bodies specifically adopting the CFLG approach have been allocating up to 15 percent of their

[1] Raju Prasad Chapagain Vs. The GoN.

[2] Local Government bodies include Village Development Committee, Municipalities and District Development Committees.

capital budget for programmes targeted to children. The Ministry of Federal Affairs and Local Development (MoFALD) has developed web-based reporting system, which incorporates CFLG key indicators including resource allocation and expenditure on targeted population. This is operational in all 75 districts and 58 municipalities.[3] The MoFALD has been receiving overall progress, including that of CFLG, from all the districts and municipalities on a regular basis. The MoFALD has given utmost priority to reflect voice and need of children in Local Bodies' Plan through Baal Bhela (Assembly of Child Clubs).

5. The MoWCSW has also increased the allocation for spending on children. Out of the total allocated budget (1795 million) to the MoWSCW, it has allocated 9.2 percent (165 million) for children during the Fiscal Year 2014/2015. The budgetary allocation is expected to increase from next FY as the GoN has initiated the process of recruiting Child Protection Officers (CPOs) and Child Protection Inspectors (CPIs) at Women and Children Offices in all 75 districts.

3. Please provide precise information on the measures in place to put an end to sex selective abortions of female foetuses, which are reported to be on the rise in the State party.

6. The existing legislation criminalizes sex selective abortion. The Clause 28C of the General Code provides that "no one shall commit or cause to be committed an act to identify (determine) the gender of the fetus for the purpose of committing the offence of abortion. A person who commits this offence shall be liable to the punishment of imprisonment for a term ranging from Three months to Six months." The Clause 28D of the Code states that "a person who commits, or causes to be committed, abortion upon identifying the gender of the fetus as referred to in Number 28C, shall be liable to the punishment of imprisonment for a term ranging from Six months to Two years."

7. The GoN has introduced a mechanism to run abortion facilities which are being monitored regularly. There is a provision under existing legislation for termination of medical license if sex selective abortion is carried out. Moreover, the National Abortion Policy, 2003 has provisions of maintaining the secrecy of sex of foetus even after conducting Ultra Sound in regular check-ups during pregnancy.

4. Please inform the Committee of the results achieved by the State party as regard the elimination of discrimination against girls, Dalit children, children belonging to minorities, Tibetan children and children with disabilities. In particular, please describe the measures taken to change attitudes that condone and justify discrimination against those children and their outcome. Please also indicate the reasons why Tibetan children are denied access to education and are obliged to enroll in boarding schools in India and what measures are foreseen to end this situation.

8. Article 13 of the Interim Constitution of Nepal, 2007 (Interim Constitution) ensures the right to equality of citizens. The Interim Constitution and prevailing legislations prohibit discrimination on the basis of religion, race, caste, sex, origin, language and ideological conviction. This is equally applicable to foreign nationals living in Nepal. The refugees who have been given shelter in the country on humanitarian ground are free to exercise freedom subject to the domestic legislations. There is no reporting to the government agencies about denial of access to education to refugees.

[3] The GoN has increased the number of municipalities to 191 on 2nd December 2014.

9. The net enrolment rate of children in primary and lower secondary levels including achievement in gender parity in education are some indicators thereof. Elimination of the Kamalari system and freed Kamalaris' access to education are also the results of Nepal's initiative against discrimination. Also, the birth registration of children has increased as registration is necessary for receiving the child protection grant specifically provisioned for such children throughout the country. Any discrimination based on any ground is a criminal offence.

10. The GoN has introduced scholarship schemes to children of disadvantaged and minority groups including girls, and children with disabilities. The Ministry of Education has launched Food for Education Program in selected areas. Separate toilet for girls and boys are being constructed in each school. The number of schools having toilet facility has increased. The schools having toilet facility has increased to 81.3 percent and number of schools having separate toilet for girls has increased to 67.6 percent. In the Fiscal year 2014/15, the GoN has planned to construct an addition of 1,285 school buildings and 3,230 toilets in schools across the country. Some of the programs to ensure inclusiveness in education includes, extension of day nutrition program to 35 districts to mitigate drop-outs; provision of scholarship to 50 percent girls at the primary level and to all school girl students in Karnali Zone; allocation of quota for 40,000 girl students under annual 60,000 secondary education scholarships; mandatory recruitment of women teachers at a specific ratio. Women teachers account for more than 27 percent (42,000) in community schools.

11. In the fiscal year 2013-2014, 1,030,126 Dalit children studying in grade one to eight received scholarship support worth Rs. 400 each, and 79,551 studying in grade nine and ten received scholarship support worth Rs. 500 each. The GoN is planning to provide 28,028 students studying in grade 11 and 12, the scholarship support worth Rs. 1,000 each in the coming fiscal year. In the feeder hostels, priority is given for the admission to Dalit children. In the fiscal year 2014/15, the GoN has planned to provide monthly scholarship to the students from the marginalized community such as Dalits, Raute, Chepang worth Rs. 1,500 to Rs 3,000 to continue their higher education if they pass School Leaving Certificate Exam (10th grade) in first division from the community schools. Likewise, it is planned that students from Dom, Badi, Chamar and, Musahar communities opting to study engineering and medicine will be provided free education up to the bachelor's level. Likewise, the GoN has planned to bring special programs to promote girls' education at school-level targeting especially those from Muslim and marginalized communities in the Terai.

12. Freed Kamalari girls have been receiving scholarships, hostel and other support from the government. The scholarship schemes for girls, Dalits, indigenous groups and ethnic minorities including freed Kamalaris have been useful to increase enrolment rate of girls and children from other disadvantaged groups in schools.

13. The National Child Policy, 2012 also adopts non-discriminatory approaches to providing services, and strengthens strategies for reducing discriminatory practices through awareness raising and launching behavioural change communication interventions. The outcome of such initiatives has reduced discrimination against such children both in urban and rural areas of the country. The GoN has guaranteed the access to education for all children without discrimination on any grounds including nationality.

14. The GoN has introduced policies and programmes to promote inclusive education. Arrangements for special and inclusive education have also been made for the children with disabilities (i.e. hearing and visual impairment). The following measures have been adopted for promoting inclusive education for children with disabilities:

- "Equality among all" is the mission adopted by all schools and educational institutions which basically promote the notion of equality among all students and discourage discrimination against students particularly those with disabilities;
- Plans and policies in making inclusive education as an effective model;
- Increasing access to education for children with disabilities by implementing schemes as follows:
    - Scholarship for children with disabilities;
    - Free text books (including free Braille and audio text books);
    - Constructing disability friendly school buildings and toilets.

5. Please indicate whether the State party intends to make birth registration compulsory and what measures are taken to address the low rate of birth registration and to eliminate the obstacles encountered by children of single mothers, refugees and asylum seekers children, children born to a foreign father and abandoned children to be registered at birth.

15. The Birth, Death and Other Personal Events Registration Act, 1976 regularizes birth registration. Pursuant to the provision of the Act and Regulation, birth registration has to be done within 35 days of the birth. Moreover, the National Child Policy, 2012 has adopted a compulsory birth registration policy for a child born within the territory of Nepal. It has provisions on simplifying the procedures for birth registration. The MoFALD has launched the online registration system that has eased process to register vital details of birth, death, marriage and others. The existing registration process does not hinder birth registration of the abandoned children and those born to single mothers, refugees and foreign fathers.

16. The GoN has been adopting measures to increase birth registration by launching birth registration campaign, and awareness raising activities targeted to parents on importance of birth registration. According to the MoFALD report, the birth registration practices are increasing among urban and rural population. For instance, the total number of birth registration in the FY 2012/13 was 822,429, compared to 702,597 in the FY 2010/11.

6. Please clarify whether the new Constitution and relevant laws will allow children with only one Nepali parent to acquire the Nepali nationality. Please also inform the Committee of the measures foreseen to address the situation of statelessness of Tibetan refugee children.

17. Any Nepali child with only one Nepali parent is entitled to acquire the certificate of citizenship as per the provisions mentioned in the Interim Constitution, Citizenship Act, 2007 and its Rules, 2008. Pursuant to Article 8 (2) (b) of the Interim Constitution, any person whose father or mother was a citizen of Nepal at his/her birth having permanent domicile in Nepal is deemed to be a citizen of Nepal by descent. Similarly Section 5 of Nepal Citizenship Act, 2007 has provision for granting naturalized citizenship for a child born to a Nepali female citizen from marriage with a foreign citizen in Nepal. Though Nepal is not a party to the UN Convention relating to the Status of Refugees, 1951 and its Protocol, 1967, it has been extending support to Tibetan and Bhutanese refugees on humanitarian ground.

18. The process of drafting the new Constitution is underway. The GoN believes that the new Constitution will ensure the fundamental rights of Nepalese citizen to obtain citizenship on the basis of equality and non-discrimination.

7. **Please provide information on the concrete actions taken to put an end to the acts of torture and ill treatment of children in detention facilities as well as in residential homes, which are reportedly widespread. Please also indicate which legal provisions criminalize torture and ill-treatment, which legal proceedings have been engaged over the reporting period against those suspected of having tortured and ill-treated children and the reparation provided to these children. Please provide detailed information on the sanctions pronounced against policemen who reportedly tortured an 11-year old boy on 24 January 2011 in Pachuwarhat police station in Kavre district.**

19. The Interim Constitution explicitly recognizes the right to life as a fundamental right of each person. Accordingly, relevant legislations have been enacted to punish unlawful use of force. Measures have been taken to put an end to the acts of torture and ill treatment of children in detention facilities as well as in residential homes. The Torture Compensation Act, 1996 prohibits acts of torture and ill treatment to detainees for any purpose. No person including security personnel is immune from the ambit of law and justice.

20. The security personnel have been implementing the directive order of the Supreme Court to end the practice of handcuffing children.[4] Law enforcement officials have been provided with training and awareness programmes on regular basis about the provisions and spirit of the children related legislations. National Human Rights Commission (NHRC) is mandated to conduct inquiries and investigations into charges of forceful detentions and ill-treatment to children.

21. The concrete actions that the GoN has initiated in putting an end to torture and ill-treatment of children at detention facilities and residential homes can be summarized as follows:

- The Central Child Welfare Board (CCWB) at the centre and District Child Welfare Boards (DCWB) at the district level have been monitoring residential Child Care Homes regularly and initiating actions to reform as well as take legal actions;
- National Security forces and the management of residential Child Care Homes are being trained and educated in developing common understanding on rights of the child including prohibition of unlawful detentions and ill-treatment to children in any setting. This is being implemented in an institutionalized manner by developing curriculum and exercises that are implemented by respective training institutions regularly;
- The Constitution and Torture Related Compensation Act, 1996 prohibits any kind of torture for any purpose. No prevailing laws of Nepal grants immunity to anyone in case of torture. The GoN is effortful to make domestic legislations more compatible with the UN Convention Against Torture, 1984 (CAT). A separate Bill to criminalize all forms of torture and ill treatment in line with the CAT has already been submitted to Legislature-Parliament for its consideration. Similarly, a Bill on Penal Code that provides preventive, punitive and protective measures against torture, among others, has been prepared.

[4] Writ petition No. 3550 of Supreme Court of Nepal, Bal Krishna Mainali Vs. Ministry of Home Affairs, 7 August 2001.

8. Please clarify whether all forms of violence, including corporal punishment in all settings, will be explicitly prohibited under the new Act concerning Children and whether legislation condoning violence has been repealed. Please also indicate the measures taken to combat the numerous forms of gender-based violence, including sexual abuse, which reportedly affect one third of girls and women, to abolish the 35-day statute of limitation for rape and to ensure that girls are not married with their rapist or rape cases settled through monetary compensation.

22. The draft Bill explicitly prohibits and criminalizes all forms of violence against children including corporal punishment in all settings. After the verdict of the Supreme Court of Nepal, on Devendra Ale vs. the GoN (Writ No. 57/2004), the existing provision of Section 7 of the Children Act, 1992 that allows some degree of corporal punishment against children by their parents has been null and void. In addition to this, the Domestic Violence (Offence and Punishment) Act, 2009 also prohibits violence at family settings. Consequently, no corporal punishment against children is permitted under any circumstance in all settings. The GoN has been following a policy of "zero tolerance" towards all forms of violence against women and children. Moreover, the MoWCSW in collaboration with South Asia Initiatives to End Violence Against Children (SAIEVAC) has launched a year-long campaign on 14 September 2014 to end corporal punishment against children. The campaign aims to sensitize people on the harm of corporal punishment, educate parents, guardians and teachers on positive discipline techniques and prohibit all forms of corporal punishment in all settings. The sixth amendment to the Education Rules, 2002 in 2011 added a code of conduct for the teachers prohibiting them to practice any kind of physical and mental torture to the students.

23. The School Sector Reform Programme (SSRP) also adopts strategies against corporal punishment at schools. The Department of Education (DoE) has introduced Code of Conduct for teachers on banning corporal punishment at schools. The new bill on Education Act, 2008 prohibits and criminalizes corporal punishment at schools.

24. The GoN introduced the National Framework on Schools as Zones of Peace (SZOP) and its Implementation Guidelines on 25 May 2011. The Ministry of Education (MoE), as the focal Ministry for the Framework and Guidelines, has been implementing activities to achieve the goal of the framework. The Framework and the Guidelines aim at ensuring that schools remain safe for children and that teaching and learning continue unhindered in an atmosphere that is free of violence and interference. The Framework and the Guidelines also prohibit political activities within the premises of educational institutions and aim at ensuring that schools are free from discrimination, violence, abuse and neglect. NHRC has also been monitoring the implementation of the Guidelines of the GoN. The human rights education has been included in school and university curricula.

25. The gender based violence has been addressed through the National Strategy and Plan of Action on Gender Empowerment and Ending Gender Based Violence (2012-2017). The implementation of NPA is being monitored by the Office of the Prime Minister and Council of Ministers (OPMCM). The GoN has set up "One Stop Crisis Management Centre" in 17 districts, and rehabilitation center in eight districts for responding immediately to the cases of gender-based violence (GBV). In Nepal Police, Women and Children Service Directorate within its Headquarter, Women and Children Service Cell in all 75 district offices including separate buildings for Women and Children Service Cell in 24 districts, and 240 new positions have been created across the country to focus on GBV issues and their investigation.The practice of reporting gender-based violence including sexual abuse has increased in recent years mainly due to increased awareness and activeness of media, and confidence of the victims and their families.

26. With regard to initiative in abolishing 35-day statute limitation for rape reporting, a Bill on Penal Code and a Bill to Amend Some Nepal Acts to maintain gender equality have

already been submitted to the Legislature-Parliament. Once this Bill is passed the current 35-day statute limitation will be abolished by providing six months of limitation.

27. A victim of rape is not compelled to marry the rapist by any legislation. The settlement of any rape case through mediation or monetary compensation is strictly prohibited under the relevant legislations. Rape offence falls under the category of State case involving punishment of imprisonment for a maximum of 16 years. Rapist is not entitled to enjoy immunity from criminal liability or concession of penalty under any circumstance including in the situation of conjugal relationship with the rape victim.

9. Please provide updated information on the measures taken to eradicate harmful practices, which continue to affect primarily girls (Chaupadi, dowry, Badi, accusation of witchcraft, Kumari, child and forced marriage) and their outcome.

28. The GoN has taken initiatives to eradicate harmful practices by adopting several legislative and policy tools. The existing Children Act, 1992 completely prohibits all forms of harmful practices against children. The new draft Bill related to Children has incorporated provisions to prohibit harmful practices having adverse effects to children. The GoN has submitted a Bill on Witchcraft Allegations (Prohibition and Punishment) to the Legislature-Parliament that criminalizes the superstitious and harmful practices surrounding the witchcraft on any circumstance. The GoN, in collaboration with civil society organizations, is also running campaigns against dowry, witchcraft allegation, Chhaupadi, child and forced marriages all over the country. The OPMCM has established a Central Coordination Committee for Gender Empowerment and Coordination. This Committee has been closely monitoring the actions taken in the cases of violence against women and children. The Women and Children Offices (WCO) in all 75 districts have been implementing programmes to empower adolescent girls.

29. The GoN has adopted measures to abolish Badi practice. The Badi Community Upliftment Development Board has been formed under MoFALD in 2011. The Board has been implementing programmes for the overall development of Badi community. The Board also consists of representatives from Badi communities.

30. Following the order of the Supreme Court of Nepal in 2005, the GoN has issued directives to eradicate Chhaupadi practices mostly prevailing in Far Western Development Region in 2008. The MoWCSW has been implementing programmes for the prevention of Chhaupadi through WCOs in the affected districts.

31. The GoN has adopted the following measures to eradicate all harmful practices:

- Persuading changes in people's attitude and community practices through Behaviour Change Communication (BCC);
- Criminalization of all forms of violence against women and girls;
- Launching awareness raising campaigns against harmful practices such as *Chhaupadi*, child marriage, dowry system and allegations of witchcraft;
- Strengthening the access of women to health care, education, employment and social security;
- Execution of adolescent girls empowerment programme in all 75 districts through the Department of Women and Children (DWC); and
- Introducing policies for positive discrimination for women's employment in government services.

32. As the result of the measures taken by the GoN and Development Partners, an enabling environment to eradicate harmful practices (such as, Kamalari, Chhaupadi, dowry) has been created. The incidences of harmful practices are decreasing in the communities and the community-based protection mechanisms are also providing immediate support to the victimized children and their families. In addition, the MoWCSW has initiated a process of formulation of National Strategy against Child Marriage which is expected to be endorsed this year (i.e. 2015).

10. Please provide detailed information on the measures taken to develop community and family support programmes in order to prevent the institutionalization of children. Please also inform the Committee of the measures taken or foreseen to 1) develop family based alternative care; 2) strictly regulate and supervise the conditions of admission and the living conditions in alternative care facilities; 3) reintegrate children separated from their parents and 4) protect all children under the age of 18 deprived of a family environment.

33. The GoN has adopted a policy of de-institutionalization and has promoted theapproach for strengthening of family and community to enable them to provide care and support to their children through family strengthening programmes. As per the provisions of the National Child Policy, 2012, the institutionalization of children has been considered as the last resort in case of providing care and protection to the separated children or children without parental care. Moreover, the GoN has drafted an Alternative Care Regulation and its Implementation Plan to ensure care and protection of children without parental care.

34. The GoN has been implementing targeted programmes under the Poverty Alleviation Fund (PAF) for the families at risk and those children vulnerable to the pains of separation. In addition, Village/Municipal Child Protection and Promotion Sub-Committees (V/MCPC) are functional in 1,688 VDCs/Municipalities.[5] The Child Protection Committees have been mobilizing community and family for prevention of institutionalization of children, and they provide basic supports to such families at the local level.

35. The basic education up to eighth grade is free. Likewise, health services have been extended to rural areas particularly covering maternal and child health. The social welfare programmes have already been strengthened to prevent institutionalization of children.

36. The GoN has been implementing the Child Protection Grant programme. Under this programme, direct cash is given to all families in the districts of Karnali zone and to vulnerable families particularly from Dalit families in rest of the districts. The Child Welfare Officers (CWO) and Child Rights Officers (CRO) deputed in each District Office of Women and Children are working for re-integration of separated children with their families. The DCWBs, in collaboration with District Administration Offices, are monitoring residential Child Care Homes and Reform Homes, to ensure the rights and wellbeing of children living in such homes.

37. Child Protection issues have been integrated at schools and villages through Child friendly school concept and the CFLG framework. These initiatives have strengthened the current activities of the GoN and other civil societies particularly on child protection at local levels.

[5] Of them, 1,661 are VCPC and 27 MCPCs. In Addition, there are District Child Protection Committees (DCPCs) functional in all 75 districts.

38. Most of social services for children are run by the GoN in collaboration with the local NGOs, and with financial and technical assistance from Development Partners (DP). These include complaint and redressal mechanisms such as Child Help-lines (with toll free number 1098 and 104), rescue, recovery through transit centres, shelters and psychosocial counselling, and reintegration through non formal and formal education, vocational training, and economic support. The GoN has also been promoting alternative care through strengthening child protection system at the community level. These programmes concentrate on prevention, family support services for children at risk and/or promoting family-based alternative care to the children.

39. The GoN has enforced Standards for Operation and Management of Residential Child Care Homes, 2012 that regulates the process of admission, residential facilities, infrastructure, context, and realization of basic rights of the child, child protection, and minimum conditions for operation of residential Child Care Homes. The CWOs and CROs regularly monitor and assess these institutions and make recommendations for measures ranging from reforms to closures as required. The GoN has also formed separate monitoring committees at central and district levels that have strengthened their capacities to carry out regular monitoring of residential care facilities. As such, the alternative care facilities are under strict scrutiny of the CCWB and DCWBs.

40. The GoN has established an Emergency Child Rescue Fund at the central and district levels. The GoN has developed guidelines for utilization of the Fund. The Fund could be mobilized for supporting re-integration of children who are separated from their families as well as children who are provided with institutional care. The GoN in collaboration with civil society organizations has been working together for large scale rescue and reintegration. Such joint efforts helped in rescue and reintegration of 154 children from Zari (Embroidery) factories in 2011. Such initiatives are carried out in all districts.

41. The GoN has initiated restructuring its delivery mechanism by strengthening capacity of WCOs and creating a new post of CPO and CPI in all 75 districts. This is expected to be instrumental in protecting the rights of all children including those deprived of the care of family environment. The MoWCSW and CCWB have undertaken mapping exercise of child protection systems in Nepal in collaboration with Development Partners. The mapping and assessment report will be used by the MoWCSW to develop comprehensive Child Protection Operational Plan in near future.

11. Please provide information on the follow-up given to the 2009 recommendations of the Hague Conference regarding inter-country adoption and clarify whether poverty can still be a legal ground for adoption. Please also comment on the information received by the Committee that many Nepalese adopted children are not orphaned children.

42. Following the signing of the Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption, 1993 (the Hague Convention) on 28 June 2009, the GoN has formed Inter-country Adoption Management Development Board (ICAB).[6] The ICAB has been functioning as the designated body regarding management of inter-country adoption of Nepali children. After the board was formed in 2011, a total of 87 Nepali children have been adopted under inter-country adoption, whereas a total of 281 children have been adopted within the country.[7] Likewise, the Bill on Civil Code submitted to the

[6] The board was formed as per the provision of Inter-country Adoption Management Development Board (formation) Order, 2011. This order was published in Nepal Gazette on 20 January 2011.

[7] Annual Progress Report, 2013/014, MoWCSW.

Legislature-Parliament incorporates the provision for inter-country adoption looking at the best interest of the child.

43. The ICAB has taken concrete measures to ensure that only the 'children who do not have parents' are considered for inter-country adoption. Some of such measures include:

- Preparation of the status of the child study report by a Social Worker after a thorough investigation into the child's background and origin;
- Taking the best interest of the child into consideration, it has made mandatory to solicit consent of the child (above 6 years) including that of caregivers. Consent will be taken by the child psychologist before making final decision of the case;
- Establishment of two separate Family and Child Matching Committees with the objective of maintaining secrecy of the information of prospective adoptive parents and controlling potential irregularities. The prospective adoptive parents are provided with a code number. The code number is also provided to the Family Matching Committee instead of the real name of the prospective parents;
- The Family Matching Committee matches the child with prospective adoptive parents on the first-come-first-served basis in a transparent manner; and
- After getting the family matching letter from the Family Matching Committee, the ICAB would decode the number and take necessary decision for inter-country adoption.

44. Poverty is not the ground for adoption of Nepali children. Permission may be granted to a foreign citizen to adopt an orphaned or abandoned child who has stayed at least ninety days in children's home.

12. Please provide updated information on the measures taken to reduce child mortality, and on those aimed at eliminating stunting and wasting. Please also indicate the measures taken to address health problems faced by adolescents, in particular drug and alcohol consumption, poor awareness of safe abortion practices as well as all unhygienic conditions in which girls found themselves during their menstruations.

45. The GoN has approved a new National Health Policy, 2014 and Health Insurance Directives, 2014 to ensure the right to health as a fundamental right of every citizen. The policy emphasizes on increasing the access to health services to all citizens with special focus on poor, marginalized communities residing both in urban and rural areas through implementing the programs based on equity and social justice. The vision of the policy is to enhance the physical, mental, social and emotional health of every citizen so that they can be able to live a productive and quality life. Similarly, the GoN has been implementing the Second Long-Term Health Plan, 1997-2017, and population and sanitation related policies. The National Planning Commission (NPC) has formulated Multi-Sectoral Nutrition Plan for the period covering from 2013 to 2017. The National Nutrition Policy, 2004, School Health and Nutrition Strategy, 2006, Maternal Nutrition Strategy, 2013 and various programs have been implemented with an objective of sustainably reducing the incidence of malnutrition.

46. The specific measures taken by the GoN to reduce child mortality, eliminate stunting and wasting are given below:

- The GoN has been implementing Nepal Health Sector Programme-2 (NHSP), 2010 in collaboration with Development Partners. The programme has set the target to reduce child mortality to 32 per 1000 live births by 2015.
- The GoN has been implementing the Multi-Sector Nutrition Plan (MSNP) in targeted districts where stunting and wasting is reported.

- The GoN's effort of last 15- 20 years in bringing down the child mortality rate has resulted in declining trend.[8] Under-five mortality rate has also been significantly reduced from 118 per 1000 live births in 2006 to 54 in 2011. (See table 9).
- Establishing Birthing centres, safe delivery at health centres and implementing safer motherhood programmes including availing travel allowance are also contributing towards reducing child mortality rate.

47. Most of the programmes for reducing child mortality are focused on rural areas. Nutritional and National Immunization Programmes (which include 10 antigens BCG, DPT, Hep B- HIB, OPV, Measles –Rubella and Japanese Encephalitis) are also concentrated in rural areas of the country where incidences of child mortality, stunting and wasting are higher. All of the vaccines in the routine immunization schedule are provided free of cost through the public health facilities. The GoN is making efforts to increase the rate of child immunization from the existing 83 percent to 100 percent and has formulated National Immunization Operation Rules, 2013 to establish an immunization fund for ensuring sustainable financial sources for immunization.

48. The Nepal Health Sector Programme-2, 2010 targets specific population and communities[9] in providing immunization services and nutritional and other supplementary programmes throughout the country. Such population is specified as per the outcomes of the study on child mortality, stunting and wasting conducted by the Ministry of Health and Population. Moreover, the GoN developed a comprehensive Multi Sector Nutrition Plan, 2012 (MSNP) involving five key line ministries. The longer term vision of the MSNP is to embark on reducing chronic malnutrition significantly to ensure that it no longer becomes an impeding factor to enhance human capital and for overall socio economic development. The goal for the next five years is to improve maternal Body Mass Index (BMI) and child stunting, by one third.

49. The GoN has expanded the coverage for vitamin A distribution to children under 5 years of age, which has now reached above 90 percent nationally. The supplementary food programmes such as day meal and other programmes run by the GoN and with the support of DP have been concentrated in the areas where incidence of stunting and wasting is reported. The GoN has been launching campaigns on nutrition, immunization and maternal health on various media.

50. The Tobacco (Control and Regulation) Act, 2011 is enforced to control sale and distribution of tobacco, and other related substances. As per the Act, sale of tobacco and related substance to children below the age of 18 years, its distribution in the places nearby school, child recreation centres, playground, etc. is prohibited. Anti-smoking and anti-drinking campaigns have been launched targeting the adolescent and youth, with strong message on the ill-effects of smoking and drinking.

51. The GoN has been launching awareness-raising campaign on safe abortion practices, particularly targeting the adolescent and youth. Institutions conducting abortion are also educating their clients on safe abortion practices and its short and long-term effects on reproductive and general health. The reproductive health programmes also deal with reproductive education including safe abortion practices. Moreover, the MoWCSW has been implementing Adolescents Development Programme in all the districts, that also covers components related to reproductive health.

[8] Annual Progress Report of MoHP, 2013-14.
[9] A brief profile of MoHP, 2013.

52. The government has been implementing reproductive health programmes with special focus on adolescents in rural as well as urban areas. These programmes are especially targeted to the adolescent girls, which help them to better understand the functioning of the reproductive system including changes that occur during physical growth. Nepal developed and published the 'National Adolescent Health and Development (NAHD) Strategy' in 2000. The implementation guidelines on Adolescent Sexual and Reproductive Health (ASRH) were developed in 2007. This national ASRH program was successfully piloted in 2009 through 26 public health facilities in Bardiya, Surkhet, Dailekh, Jumla and Baitadi districts.

53. The unhygienic conditions during menstruation of adolescent girls are being addressed through enforcement of Guidelines on Chhaupadi and launching of awareness raising activities. Furthermore, sanitary pads are distributed to girls in some districts for promoting hygienic conditions during menstruation. The population and reproductive education issues have been incorporated in school curriculum to raise awareness about maintaining hygienic conditions during menstruation.

13. **Please provide information on steps taken to develop early detection and early identification of disability, programmes to support families of children with disabilities, inclusive education as well as awareness-raising activities to prevent and combat the social stigmatization as well as abuse and neglect of these children. Please clarify whether provisions providing for the imprisonment of children with physical and mental impairments will be upheld in the new Act concerning Children. Please also indicate the measures taken to ensure that schools do not deny children with disabilities access to education.**

54. The GoN has taken measures to develop early detection and early identification of disability, programmes to support families of children with disabilities, inclusive education as well as awareness-raising activities to prevent and combat the social stigmatization, abuse and neglect of these children.

55. The GoN has been implementing Community Based Integrated Management of Childhood Illness (CB-IMCI) and Community Based New Born Care Programme (CB-NBC), which have provisions for child health screening and early intervention services through early detection and management of disability and other severe diseases. Child health screening is also a part of the Nutritional Programme and pre-natal tests.

56. The National Health Policy, 2014 incorporates provisions for early identification and treatment of children with disabilities. The GoN is providing 70 basic medicines for free from public health facilities; out of them, two are specific to disabilities. Likewise, the GoN has been extending Physiotherapy and Counselling services to children/persons with disabilities and their families, particularly with the aim of educating them on the special needs of such children. This effort has contributed to reducing incidents of stigmatization of children with disabilities.

57. The SSRP aims to reform the school education program to increase the access of PwDs. It aims to cover 175,000 children with disabilities at the primary level and 75,000 at the secondary level by providing them with scholarship support. As of fiscal year 2010/11, a total of 85,681 children with disabilities have received a sum of Rs. 80,595,000 in scholarships. The Scholarships Act, 1965 reserves five percent scholarship quotas for PwDs. For the year 2013/14, the GoN has allocated Rs. 70.4 million for supporting the education of the PwDs. Likewise, Special Education Policy, 1996 aims to make special education as an important part of 'Education For All' by making the physical environment of schools friendly for children with disabilities. The government has been strictly following inclusive education policy and gender mainstreaming in education that has increased the access of women, Dalits, and PwDs by providing scholarships to cover hostel

facility, school uniform, educational materials and transportation. In the fiscal year 2014/15, the GoN has planned to provide scholarships to the students with disabilities, operate the Community Based Rehabilitation Program in an effective manner, make the educational and health facilities PwDs friendly, and provide support for the treatment of spinal injury cases through the mobilization of citizen treatment fund. Special Education Council has been formed to provide special education to students with disabilities. National Action Plan on persons with disabilities has ensured the rights to get free and quality education, increasing the access to education and disability-friendly environment. The Curriculum Development Centre has adopted a participatory curriculum development and textbook review process in consultation with disability experts and stakeholders.

58. The National Policy and Plan of Action on Disability, 2006 focuses on raising people's awareness about disabilities with plans to organize national campaigns to raise people's awareness, and to create positive community attitude towards the PwDs. Moreover, the current Development Plan sets the activities for the dissemination of information about the Convention on the Rights of Persons with Disabilities, and states that development activities would be planned and implemented in line with the said Convention. A high level mechanism has been established under the coordination of the Chief Secretary of the GoN at the Office of the Prime Minister and Council of Ministers (OPMCM) for elimination of discrimination, upliftment and promotion of rights of the PwDs. Coordination mechanisms have also been established in each district under the coordination of the Chief District Officer. Likewise, local vigilance centres have been established at each municipality and village development committee. Other social security measures include, free healthcare services in the government hospitals and 50 percent rebate in domestic air fare, tax exemption in assistive materials and distribution of social security allowance through local authorities.

59. The GoN has set up a mechanism to identify and distribute ID cards to children/persons with disabilities. Four categories of the disability ID cards (i.e. A, B, C and D) are provided to children/persons with disabilities in accordance with severity of their disability. The 'A' category (or Red coloured) card holders receive monthly cash of NRs 1000 and 'B' category (or Blue coloured) card holders receive NRs 300 as Social Protection Allowance.

60. A total of 10,257 children with disabilities have obtained disability ID cards of four different categories as per the severity of disability till 2013. Among them, 4,699 are girls and 5,558 boys. Regarding the types of disabilities, highest number of children are with physical disability (4,632), followed by children with multiple disability (1,560) and 1,288 children with intellectual disability. Also, a total of 1,067 children were reported to have hearing impairment, whereas 930 having visual impairment and low vision. 529 children have speech related disabilities and 211 are of Deaf-Blind category.[10]

61. The draft Bill is designed to protect the best interest of children in line with accepted principles and values of juvenile justice system. The draft Bill provisions for child correction homes for any child in conflict with law. Imprisonment of children with physical and mental impairments is not recognized in the draft Bill. With regard to education of children with disabilities, the GoN has adopted the inclusive approach to access to education. Therefore, children with disabilities have the opportunity to study in the same school as with children without disability. The resource classes are designed and conducted in the school classrooms for children with specific disabilities. There are special schools established for children with disabilities particularly for hearing and visual impairment including intellectual disabilities. The Ministry of Education (MoE) is running a total of

[10] Based on the State of Children in Nepal, 2013, CCWB, pg. 57-58.

34 Special Schools, 365 Resource Classes, and 21 Integrated Schools across the country for promoting access to education of children with disabilities.[11] There are 30 special schools for deaf children, one for blind, thirteen for children with intellectual disabilities and one for children with physical disabilities. The GoN has established Resource Centers in specific geographical areas. The GoN has also established Assessment Centers in 62 districts in order to collect information on the children with disabilities, assess their educational needs and specify the appropriate way of education to them, i.e. through general books, resource classes or special schools.

14. Please explain the impact on the education system of the decrease in the budgetary allocations to the education sector over the past 5 years, especially as regard the elimination of hidden costs which are reported to prevent a large proportion of children from attending schools. Please also inform of the measures taken to ensure that children from disadvantaged and marginalized families are effectively enrolled in primary schools.

62. With the implementation of Education for All (EFA) and SSRP, Net Enrolment Rate at primary school has increased to 96.2 per cent. The SSRP has planned to implement the free and compulsory primary education in 500 VDCs/municipalities. Till FY 2013/2014, 1,173 VDCs are declared for having access to free and compulsory primary education and two districts, i.e. Lalitpur and Dhading are declared as fully literate districts in June-July 2014. For attracting disadvantaged and marginalized children to schools, the GoN has taken measures to implement scholarship schemes effectively. The GoN has been mobilizing civil society, child clubs and women groups through 'welcome to school programme' to attract such children to schools. The GoN has been implementing school feeding programme and pre-primary class that have contributed to bringing disadvantaged and marginalized children to schools. The government is effortful to eliminate all hidden costs to be collected by the schools that prevent children's access to school education. District Education Officer in all districts is mandated to take legal actions against those who collect fees and other costs from parents prohibited by law.

63. The SSRP has been implemented with investment of significant resources in education sector with the objective of ensuring basic education to all children. The GoN has also been taking measures such as merging schools, maintaining teacher-student ratio through transferring, and managing and handing over schools to communities.

64. The amount of national budget in education has gradually increased even though the percentage is decreased. The following table presents the allocation of budget from Fiscal Year 2010/11 to 2014/15 (current FY).

Table 1
Total Budget of the Ministry of Education from FY 2010/11 to FY 2014/15

S.N	*Fiscal Year*	*Total Budget (Rupees in '000)*
1	2010/11	57,827,542
2	2011/12	63,918,839
3	2012/13	63,431,397
4	2013/14	80,958,080
5	2014/15	86,034,055

Source: Budget Red Book of respective Fiscal Years.

[11] The Flash Report, Department of Education published in 2013/2014.

15. With reference to paragraph 257 of the State party's report, please indicate the urgent measures taken to free girls who remain exploited in *Kamlari*. Please also indicate whether legislation has been adopted to protect all children under the age of 18 from the worst forms of child labour and what results have been achieved since the adoption in 2009 of the National Plan of Action against Bonded Labour. Please provide precise information on the monitoring of the prohibition of child labour and in particular the number of child labour inspectors in the State party.

65. The Kamaiya Labour (Prohibition and Regulation) Act, 2001 prohibits employing Kamalaris. The Child Labour (Prohibition and Regulation) Act, 2000 also prohibits employing children in hazardous labour including worst forms of child labour. In addition, the GoN has taken the following measures:

- Mobilizing civil societies in collaboration with DCWBs and Labour Offices in freeing *Kamalari* as well as working for their rehabilitation;
- Launching campaign in stopping child labour particularly in worst forms and hazardous labour conditions in formal and informal sectors by MoLE;
- Providing opportunity for education and vocational training through targeted scholarships and hostel facilities. Moreover, the MoE has been providing livelihood and technical education to freed *Kamalari*; and
- Implementing the 10 Points Understanding reached with them during Free *Kamalari* Movement in 2012.

66. Child Labour (Prohibition and Regulation) Act, 2000, Child Labour (Prohibition and Regulation) Rules, 2006, Labour Act, 1992, Labour Rules, 1993, National Master Plan Relating to Children, 2004-2014 and National Master Plan on Elimination of Child Labour, 2011–2020 are in operation to prohibit child abuse and child labour. The GoN has prepared a preliminary draft to revise Child Labour Act, 2000. The draft envisages protecting all children under the age of 18 years from the worst forms of child labour in formal and informal sectors. A list of hazardous labour sectors for children is identified and prohibited in accordance with the domestic legislations and ILO standards. It includes: domestic labour, pottering, bonded agricultural work, recycling, carpet industry, brick production, mining, commercial sexual exploitation, armed forces or armed groups, transport, embroidery work, mechanical, hawking, and herb collection. The GoN has been implementing a plan with an aim to eliminate the worst forms of child labour by 2016 and all forms of child labour by 2020 that includes elimination of child labour in informal sector. Likewise, as preventive initiatives, various awareness raising programs through information, education and communication (IEC) materials such as radio jingle, documentary against child labour, pamphlets etc. have been implemented.

67. A total of 12,000 Kamalaris have been able to receive education including vocational training since the development of National Plan of Action against Child Bonded Labour in 2009. The awareness level of Kamaiyas and Kamalaris including that of the potential employers has increased specifically on ill effects and legal consequences of keeping Kamalaris.

68. The Labour Offices situated at 10 different locations of the country conduct regular monitoring and inspection at factory and enterprises, and take action against child labour exploitation, and release children if found working. There are currently 21 factory inspectors with the Department of Labour. The Labour Inspectors have been monitoring informal sector and have assisted in rescue and rehabilitation of child labourers in a few districts. Moreover, CCWB and DCWBs have been monitoring and rescuing children who are working as labourer in hazardous and exploitative conditions.

16. Please provide detailed information on the concrete measures taken to put an end to the sexual exploitation of children, especially girls, in the State party and to follow-up on the 2012 recommendations of the Committee under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/NPL/CO) especially as regard the definition of offences under the Optional Protocol (para. 30) and the establishment of an effective system to detect and dismantle brothels and other places where child prostitution takes place (para. 34).

69. The GoN has been implementing programmes in providing special protection and treatment to vulnerable children and women through 240 Women and Children Service Centres[12] in all 75 districts under Nepal Police. In this regard, the GoN has made efforts to protect women and children through awareness generation and sensitization and taking disciplinary actions against perpetrators.

70. The GoN has been implementing National Plan of Action (NPA) against human trafficking, especially women and children, and its implementation plan. This NPA has prioritized five specific areas including prevention, protection, prosecution, coordination and cooperation, and capacity development of concerned institutions. The NPA has adopted strategies to counter commercial sexual exploitation of children and adults within the country as well as cross-border. There is no identified brothel as the prevailing law does not permit it. Moreover, the GoN has been implementing the Guidelines for Protection of Adolescent Girls in Entertainment Sector which was prepared in pursuance of the verdict of Supreme Court of Nepal. The Management Action Committee under the chairmanship of CDO is functional in all 75 districts as management structure with regard to addressing issues concerning sexual exploitation of children and women in particular.

71. The MoWCSW has been implementing Standard Operating Procedures to run the rehabilitation centres, National Minimum Standards for the services to be provided to the victims and affected, and Psychosocial Counselling Guidelines. Moreover, the MoWCSW is in the process of conducting a survey in 14 districts to map-out vulnerable groups and population particularly to launch targeted interventions against human trafficking. Fast track court proceedings have been applied in the cases of human trafficking and sexual abuse as provided in the District Court Rules. The GoN has been launching various programs against human trafficking in collaboration with civil society; fund for rehabilitation of survivors of human trafficking has been established in each district; and Rehabilitation Centres have been established in eight districts for the survivors/affected persons of human trafficking. A total of 429 persons were rescued by mid-April 2014. Such number stood at 1,458 in FY 2012/13. District Development Committees have been provided with grants of Rs. 3,750,800 for curbing human trafficking and Rs. three million to manage rehabilitation centers. Seven service centers have been established in the India-Nepal border areas for controlling human trafficking and violence against women and children. Investigation procedures for human trafficking issues have been incorporated in the training curricula of the Nepal Police.

17. Please indicate the measures taken to put an end to the use of children in political activities, which is reportedly widespread in the State party despite the code of conduct elaborated during the 2013 Constituent Assembly elections.

72. The GoN has implemented a National Framework and Implementation Guidelines on School as Zone of Peace (SZOP) since 2011. The campaign was initiated during the time of conflict. The Implementation Guidelines also prohibit use of children in political

[12] Women and Children Service Directorate was established in 1996 as specialized unit under the Nepal Police. Women and Children Service Centers are operational in all 75 districts.

activities. A Central Coordination Committee has been constituted for the implementation of SZOP. The Committee has taken measures to ensure an effective implementation of the Guidelines, adopting the following approaches:

- Opening schools during the political activities and even during general strikes along with the signing of commitments to implement SZOP by major political parties;
- Promoting SZOP implementing mechanisms such as District Coordination Committee (DCC) and School Child Protection Committee (SCPC). These mechanisms are already active in many schools;
- Developing Code of Conduct to implement SZOP and generating support for it;
- Developing Plan of Action by Central Coordination Committee to speed up SZOP; and
- Including SZOP in teachers' training manual and curricula of different grades.

73. NHRC monitors the use of children in political activities and makes recommendations to the GoN. NHRC has also been intervening at local levels on the use of children in political activities. NHRC made recommendations not to use children in any political activities when it found that they were being used in political activities during the Constituent Assembly elections in 2007. NHRC intervened at 10 different places where children were used in political activities during the 2013 Constituent Assembly elections. The Election Commission also included this point in the election code of conduct. Both CCWB and DCWBs monitored the use of children in political activities. Thirty-two political parties of Nepal have expressed their commitment to respect the notion of SZOP. Consequently, practice of opening schools during the political strike has been observed in many districts. Also, the trend of declaring particular VDC, Municipality and district as SZOP is on the rise.

18. Please indicate the steps taken to raise the minimum age of criminal responsibility and to build a juvenile justice system in line with international human rights standards. Please also indicate the urgent measures taken to remove children from adult detention facilities.

74. The provision in the prevailing laws on the minimum age of criminal liability is 10 years. The GoN has submitted a Bill on Penal code to the Legislature-Parliament. Section 44 of the Bill categorizes children into four age groups, in respect of the penalty for the offences by children; under 10, 10-14, 14-16 and 16-18 years, with the following provisions:

i. No criminal liability for a person who has not attained ten years of age at the time of commission of the offence;

ii. For an offence committed by a person who is ten (or above) but below fourteen years of age, imprisonment for not more than six months or detention in a reform house for not more than one year;

iii. For an offence committed by a person who is fourteen or above but below sixteen years of age, one half of the punishment provided to an adult person; and

iv. For an offence committed by a person who is sixteen years of age or above, two-third of the punishment provided to an adult person.

75. Likewise, the Section 16(2) of the Bill on Criminal Offence (Determination of Sentence and Implementation), 2014 prohibits penalization of children with imprisonment for offences except for grievous, heinous and repeated offences.

76. The GoN has been strengthening juvenile justice system in the country in line with international human rights standards for which a joint program of the MoWCSW and JJCC is being implemented in 64 districts and juvenile bench has been established in those districts. Pursuant to Section 19 of the Children Act, 1992, it is prohibited to proceed on the cases of alleged charges against a child unless there is a legal practitioner to defend the child. Likewise, Section 16 (1) of the Bill on Criminal Offence (Determination of sentence and Implementation) provides "factors to be taken into consideration while imposing penalties to the children. Best interest of the child, gravity of offence and extent of flaw, proposed compensation to the victim, guilty feeling, and aspiration to live a good life should be taken into consideration while imposing penalties to the children".

77. The GoN has already taken measures to remove children from adult detention facilities particularly through the circular to its law enforcement agencies. Any child in conflict with law is being sent to child correction homes as sending them in adult detention center is prohibited. The GoN has established Child Correction Homes in Bhaktapur (Central Development Region), Sarangkot, Kaski (Western Development Region) and Biratnagar (Eastern Development Region). Likewise, the process is underway to establish Child Correction Homes in Mid-Western and Far-Western Development Regions. In line with the spirit of Juvenile Justice (Procedural) Rule, 2007, children are handed over to respective parents/guardians on condition of producing before the court as deemed necessary.

Part II

(a) New bills or laws, and their respective regulations

78. As mentioned above, a separate Bill to criminalize all forms of torture and ill treatment has been submitted to the Legislature-Parliament. Similarly, a Bill on Penal Code that provides preventive, punitive and protective measures against torture, among others, has been prepared. Likewise, a set of five Bills to amend and consolidate Civil Code (Muluki Ain) have been tabled before legislature-Parliament on November 2, 2014. They are : i) Bill on Civil Code, ii) Bill on Civil Procedures, iii) Bill on Criminal Code, iv) Bill on Criminal procedures, and v) Bill on Penal Offence (Determination of Sentence and Implementation). Some Nepal Acts Amendment Bill to end gender based violence and to maintain gender equity is also in the consideration at the Legislature Parliament.

79. The new draft Bill is being prepared. Likewise, the draft version of the Alternative Care Regulation has been prepared and is in the process of formal endorsement by the GoN.

(b) New institutions (and their mandates) or institutional reforms

80. Creation of 75 new posts (22 CPO and 53 CPI) by MoWCSW to be deployed in 75 districts particularly for promotion and management of child rights protection, Gender Empowerment Coordination Unit at the OPMCM, women and children service directorate of Nepal Police, Gender Based Violence Relief fund in each district, emergency children rescue fund in each district, juvenile benches in 64 districts, child correction homes in three development regions are some of the institutional mechanisms established after the reporting period.

(c) Recently introduced policies, programmes and action plans and their scope and financing

81. National Child Policy, 2012 covers most of the issues of the Convention including protection. Similarly, some other policies and plans introduced by the GoN includes,

National Human Rights Action Plan, 2014-2019, Standard Operating Procedure on Child Care Homes, 2013, National Health Policy, 2014, Health Insurance Directives, 2014, Maternal Nutrition Strategy, 2013, 13th Development Plan (2013-2016), Multi Sector Nutrition Plan, 2013-2017, National Strategy and Action Plan on Gender Empowerment and elimination of Gender Based Violence, 2013-2018.

(d) Recent ratifications of human rights instruments.

82. None.

Part III

Data, statistics and other information, if available

1. Please provide consolidated budget information for the last three years on budget lines regarding children and social sectors, by indicating the percentage of each budget line in terms of the total national budget and gross national product and geographic allocation.

83. Relevant consolidated budget information for the last three years on budget lines regarding children is not available.

2. Please provide data disaggregated by age, sex, socioeconomic background, ethnic origin and geographical location covering the last three years on:

(a) The total number of allegations of abuse and violence against children including all forms of corporal punishment, with additional information on the type of assistance given to child victims and the follow-up provided, including prosecution of the perpetrators and the sentences handed down; and

84. The MoWCSW and CCWB have initiated development of Child Protection Information System to enable the compilation and analysis of comprehensive data on child protection issues and services at national and sub-national levels. Similar type of data is being maintained at the Directorate of Women and Children Service Centre at Nepal Police based on the reported cases throughout the country. The following table shows the total number of allegations of abuse, exploitation and violence against children.

Table 2
Total number of allegations of abuse, exploitation and violence against children from 2011-2013

Allegations of abuse, violence, exploitation and neglect	*2011*			*2012*			*2013*		
	Girl	*Boy*	*Total*	*Girl*	*Boy*	*Total*	*Girl*	*Boy*	*Total*
Child Labour	-	-	609	42	166	208	11	3	14
Trafficking	-	-	80	50	7	57	51	15	66
Child Marriage	23	14	37	26	18	44	18	2	20
Rape	-	-	84	395	19	414	406	0	406
Corporal Punishment at schools and other settings	-	-	111	22	85	107	26	58	84
Sexual exploitation	-	-	68	29	9	38	172	10	182

Source: The State of Children of Nepal, 2012-14, CCWB.

(b) The number of investigations of cases of sexual violence and rape, and the outcome of trials, including information on the penalties to perpetrators, and redress and compensation offered to the victims.

85. The following Table shows the total number of investigations of cases and outcome of trials:

Table 3
Total number of investigations of cases of sexual violence and abuse in the year 2013

		Number of cases filed at the Court		*Number of Child Victims*		
Nature of Cases	*Number of reported cases*	*Yet to be decided*	*Decided*	*Girl*	*Boy*	*Total*
Sexual abuse and exploitation	329	184	95	332	16	348
Pornography	1	0	1	0	1	1
Others	12	9	3	10	2	12
Total	**342**	**193**	**99**	**342**	**19**	**361**

Source: The State of Children of Nepal, 2012-14.

86. Many cases were decided in favour of the children by the Court and imprisonment and penalties to perpetrators and compensation to the victims were sanctioned.

3. Please provide data disaggregated by age, sex, socio-economic background, ethnic origin and geographical location regarding the situation of children deprived of a family environment, covering the past three years, on the number of children:

(a) Separated from their parents;

(b) Living in child-headed households;

(c) Placed in institutions;

(d) Placed with foster families;

(e) Adopted domestically or through inter-country adoptions.

87. For understanding trend for the past three years, total number of children for all categories are presented:

Table 4
Total number of children deprived of a family environment covering 2011-13

Category of Children	*2011*	*2012*	*2013*
Separated from their parents	7,776	8,150	5,146
Living in Child Headed Households	301	20,549	5,188
Placed in institutions	15,095	8,343	16,617
Placed with Foster families	7,017	2,312	1,041
Adopted domestically or through inter-country adoption	348	324	46

Source: The State of the Rights of the Child, CCWB, 2011-2013.

4. Please provide data, disaggregated by age, sex, type of disability, ethnic origin and geographical location, for the past three years, on the number of children with disabilities:

Table 5
Total number and distribution of persons with disability by broad age group, 2011

Age (Years)	*Total Number of person with disability*	*Percentage of persons with disabilities by broad age group*				
		Total	*Male*	*Female*	*Rural*	*Urban*
Birth – 4	15,287	3.1	3.1	3.1	3.1	2.9
5-9	31,816	6.2	6.5	5.9	6.3	5.2
10-14	44,309	8.6	8.9	8.3	8.7	7.7
Birth – 14 (Sub-total)	92,012	17.9	18.5	17.3	18.1	15.8
15 +	421,309	82.1	81.5	82.7	81.8	84.2
Percent	-	100	100	100	100	100
Total Number	**513,321**	**513,321**	**280,086**	**233,235**	**458,517**	**54,804**

Source: CBS, Census, 2011.

Table 6
Sex-wise distribution of person with disability among children by ecological region, 2011

	Total Children			*Male Children*			*Female Children*		
		Disability			*Disability*			*Disability*	
Ecological Region	*Population*	*No.*	*%*	*Population*	*No.*	*%*	*Population*	*No.*	*%*
Mountain	681,055	9,785	1.44	341,910	5,468	1.60	339,145	4,317	1.27
Hill	3,812,144	43,836	1.15	1,939,381	24,582	1.27	1,872,763	19,254	1.03
Terai	4,755,047	38,391	0.81	2,433,472	21,590	0.89	2,321,575	16,801	0.72
Total	**9,248,246**	**92,012**	**0.99**	**4,714,763**	**51,640**	**1.10**	**4,533,483**	**40,372**	**0.89**

Source: Census, 2011, CBS.

(a) Attending regular primary schools;

Table 7
Total number of students with disability attending regular primary schools

	School Year								
	2009			*2010*			*2011*		
Types of disabilities	*Girls*	*Boys*	*Total*	*Girls*	*Boys*	*Total*	*Girls*	*Boys*	*Total*
Physical	8,399	9,940	18,339	9,968	11,122	21,090	8,632	10,238	18,870
Mental	7,654	8,350	16,004	8,454	8,993	17,447	6,653	7,127	13,780
Deaf	3,092	4,441	8,343	4,416	4,863	9,279	3,153	3,483	6,636
Blind	2,002	2,260	4,262	2,305	2,424	4,729	1,403	1,522	2,925
Other disability	2,980	3,753	6,733	3,498	4,305	7,803	4,374	5,181	9,555
Total	**24,937**	**28,744**	**53,681**	**28,641**	**31,707**	**60,348**	**24,215**	**27,551**	**51,766**

Source: Department of Education, Flash Report, 2009-2011.

(b) Attending regular secondary schools;

Table 8
Total number of students with disability attending regular secondary schools

	School Year								
	2009			*2010*			*2011*		
Types of disabilities	*Girls*	*Boys*	*Total*	*Girls*	*Boys*	*Total*	*Girls*	*Boys*	*Total*
Physical	1,336	1,602	2,938	1,563	1,754	3,317	1,400	1,672	3,072
Mental	339	376	715	450	525	975	365	406	771
Deaf	331	403	734	390	502	892	303	324	627
Blind	402	417	819	487	478	965	312	321	633
Other disability	239	343	582	283	406	689	438	522	960
Total	**2,647**	**3,141**	**5,788**	**3,173**	**3,665**	**6,838**	**2,818**	**3,245**	**6,063**

Source: Department of Education, Flash Report, 2009-2011.

(c) Attending special schools;

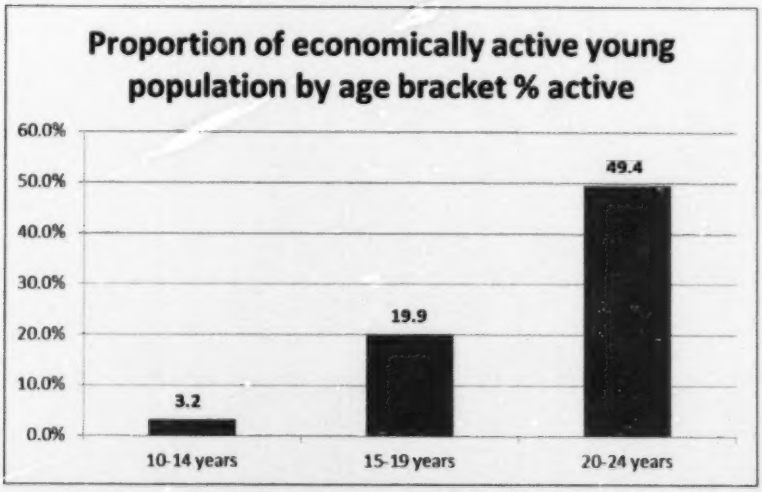
88. There are about 1,900 children with disabilities attending special schools throughout the country. The Government of Nepal has adopted inclusive education approach and has some special schools in the country for children requiring special education.

(d) Out of school.

89. The data on children out of school is not available.

5. Please provide the Committee with an update of any data in the report which may have been outdated by more recent data collected or other new developments.

Figure 1
Proportion of economically active young population by age group percentage



Source: Population Monograph, CBS, 2014.

Table 9
Trends in Childhood Mortalities from 1996-2011

	Mortalities				
Year Period	*Neonatal*	*Post neonatal*	*Infant*	*Child*	*Under five*
1996 (1991-1995)	50	29	79	43	118
2001 (1996-2000)	39	26	64	29	91
2006 (2001-2005)	33	15	48	14	61
2011 (2006-2010)	33	13	46	9	54

Source: Population Monograph, CBS, 2014.

6. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.

90. None specific.